

**Applicant:** David Garcia

**Agent:** Arch & Plan Land Use Consultants LLC

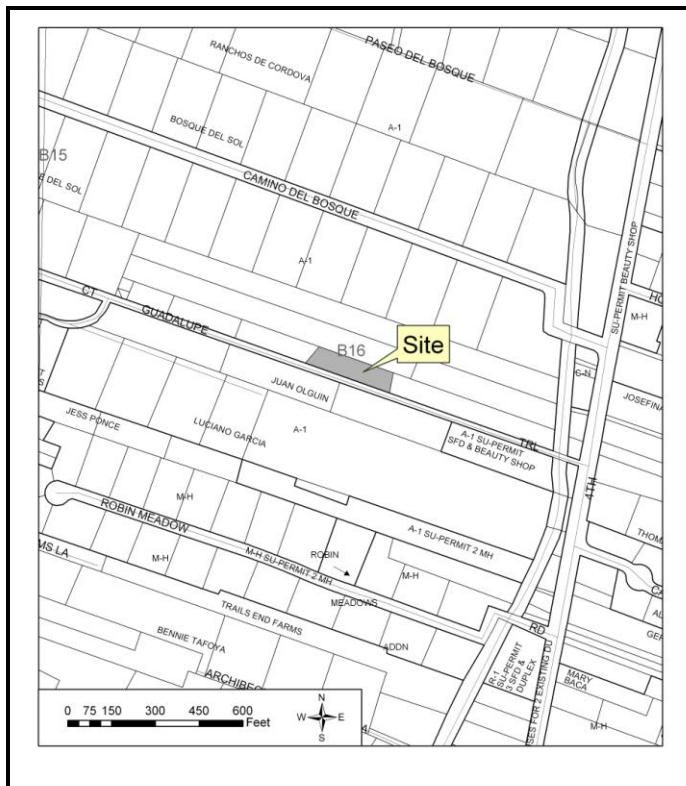
**Location:** 10139 Guadalupe Tr. NW

**Property Size:** .65 acres (approximately)

**Existing Zone:** A-1

**Proposed Zoning/SUP** Special Use Permit for Specific Use for Multiple Single Family Dwellings

**Recommendation:** Denial



**Summary:** This request is for a Special Use Permit for Specific Use for Multiple Single Family Dwellings on a .65 acre property located on the north side of Guadalupe Trail, west of Fourth St. The property is zoned A-1. This request is associated with the expiration of a Conditional Use Permit for a Mobile Home for Medical Hardship (ZA-70044). Conditional Use Permits have been granted for this property since the 1980s. The Special Use Permit would allow the mobile home to remain on the property as a second dwelling.

**Staff Planner:** Catherine VerEecke, Program Planner

**Attachments:**

1. Application
2. Area and Land Use Maps
3. Conditional Use Permit
4. Site Plan (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from to 3/23/10 to 4/12/10 . Their comments were used in preparation of this report, and begin on Page 12.

**AGENDA ITEM NO.: 15**  
**County Planning Commission**  
**May 5, 2010**

CSU-20100012 Arch & Plan Land Use Consultants LLC, agent for David Garcia, requests approval of a Special Use Permit for a Specific Use for Multiple Single Family Dwellings on Tract 39B, MRGCD Map #23, located at 10139 Guadalupe Trail NW, zoned A-1, and containing approximately .65 acres. (B-16)

**AREA CHARACTERISTICS AND ZONING HISTORY**  
**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land use</b>
	A-1	Single family dwelling, manufactured home (medical hardship)
<b>North</b>	R-1	Single family residential
<b>South</b>	A-1	Single family residential
<b>East</b>	A-1	Single family residential
<b>West</b>	A-1	Single family residential

## **BACKGROUND:**

### **The Request**

This request is for a Special Use Permit for Specific Use for Multiple Single Family Dwellings on a .65 acre property located on the south side of Guadalupe Trail approximately 700 feet west of Fourth Street. The property is currently zoned A-1. The request came about as the result of the upcoming expiration of a Conditional Use Permit for a Mobile Home for Medical Hardship (ZA-70044). The applicant would like to keep the second dwelling unit on the property.

The subject property currently has a 1356 square foot single family dwelling, a 280 square foot garage, several small storage sheds, and a 1960 square foot mobile home, which has been allowed under the Conditional Use Permit for Mobile a Home for Medical Hardship. The first permit was granted in 1984 for a 770 square foot mobile home, in addition to the existing residence (ZA-84-92). The current Conditional Use Permit was granted for three years and will expire on June 19, 2010. It was granted with the condition that "When the mobile home is no longer needed for the documented medical hardship it shall be removed from the property" (Attachment 3).

Under the request (as shown on the site plan), the single family dwelling and the mobile home will remain on the property in a more permanent arrangement than is allowed by the Conditional Use Permit. An addition is proposed for the single family dwelling and a detached garage will be added for near the mobile home. Agricultural activities (a corral and pasture) would be added to the property.

### Request justification

In the response to Resolution 116-86, the agent states that the proposed land use is consistent with the area nearby the site and that it does not conflict with policies of the Comprehensive Plan or the North Valley Area Plan. The agent states that the requested use to keep the 'manufactured home,' which has existed on the site for nearly 30 years, is consistent with the surrounding area. The agent further states that the development will contribute to the rural character of the area, keep the existing A-1 zoning, and add to diversity in housing. The agent states that changed neighborhood conditions exist for the property in that water and sewer services have become available for the property.

The agent states that due to the existing configuration of the lot, the application requires waivers from Zoning Ordinance requirements. These include the following: required 6 foot landscape buffer is not fully met along the north and property lines and the required 10 foot landscaped front setback is not fully met along south property line. A five foot horse field (mesh) fence surrounds most of the property, as opposed to solid fencing which would be required where the property abuts residential uses.

### **Surrounding Land Uses and Zoning**

The subject property is located in a residential neighborhood in the North Valley along Guadalupe Trail. Properties nearby the site have A-1 zoning and are developed with single family residential uses, although some of the existing parcels nearby the site, which pre-date County Zoning, are less than one acre. Several large properties nearby the site are currently

vacant (north of the property) and appear to have been used for agriculture. A few nearby properties fronting Fourth Street have Special Use Permits for non-residential uses, such as beauty shops (e.g., CSU-84-28). Another property on Fourth St. nearby the site has C-N zoning, and a larger area of commercial uses and higher density residential uses is found further south on Fourth Street extending from Alameda Rd. to Alameda Blvd.

## **APPLICABLE PLANS AND POLICIES:**

### **Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to “maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.”

Policy 3.a of the Plan (Land Use) states that “Rural Areas as shown by the Plan Map shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations – within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.”

### **North Valley Area Plan**

This property is located within the Rural Area of the North Valley Area Plan. The Plan states, following the Comprehensive Plan, that overall densities should not exceed one dwelling unit per acre in the Rural Area.

Policy 2 (Land Use) states ‘The City and County shall stabilize residential zoning and land use in the North Valley Area.’ This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 3.a (Land Use) states that “the City and County shall retain existing residential zoning on Alameda Blvd., Second Street, and on future roadway corridors.”

Policy 7.1 states the City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H
- b. Limit encroachment of non-residential uses into residential areas
- c. Encourage residential zoning of parcels with residential uses.

North Valley Area Plan Character Descriptions/Development Scenarios

The property is located in the Alameda Sub-area of the North Valley Area Plan. The Plan scenarios state that this area is predominantly rural, but with a trend toward higher residential density and some non-residential development, particularly nearby Second Street and Fourth Street.

Guadalupe Trail. The North Valley Area Plan identifies Guadalupe Trail as one of the identifying features of the Alameda Area that help to define its character. The Plan states that “Guadalupe Trail is narrow and winding. Fields extend behind older homes that edge the street. Lot sizes are typically large and a substantial number of small open fields provide visual access to undeveloped land. As in the rest of the valley, the patchwork pattern of open fields provides a sense of ruralness in Alameda.”

The “Trend Scenario” of the Plan states that continued subdivision and development will increase the housing density of the area well beyond one dwelling unit per acre, irrigation ditches will no longer be used for irrigation, and the potential for agricultural activity, except on the smallest scale, will be lost. New commercial uses could have the effect of destabilizing residential areas and increasing traffic congestion, and could result in strip commercial streetscape.

The “Comprehensive Plan Scenario” of the Plan calls for preservation of the rural character of the area through cluster housing and commercial development clustered at the intersection of Fourth and Second Streets and Alameda Blvd.

The “Preferred Scenario of the Plan calls for the present zoning pattern to guide future land uses and for commercial development to be restricted to the existing businesses.

Under the Comprehensive Plan and Preferred scenarios for this area development would occur at densities allowed by the existing zoning but clustered to retain open space.

The Plan (Section 7) makes provisions for Cluster Housing with open space, but requires a minimum of 2 acres.

**Bernalillo County Zoning Ordinance**

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.

- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. There was an error in the original zone map.
  - 2. Changed neighborhood or community conditions justify a change in land use or
  - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
  - 1. denied due to lack of capital funds; or
  - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

**Additional Zoning Ordinance language (for 7/1/09 CPC)**

*Accessory Building or Use.* A subordinate building or use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

*Living Quarters, Accessory.* Living quarters within an accessory building containing one bedroom, one living room, one bathroom, one closet, one mechanical room, no kitchen facilities and to be occupied by no more than two persons, shall not be rented or otherwise used as a dwelling unit and does not exceed 500 square feet in area.

*Dwelling Unit.* A room or suite of rooms with kitchen and bath facilities designed as a unit for occupancy by one family.

**A-1 Zoning (Permissive Uses)**

18.b.2.d. Accessory building or structure customarily incidental to the above uses.

**A-1 Zoning (Conditional Uses)**

7.B.3.p Mobile Home for Medical Assistance

p. One mobile home for a three-year period in addition to an existing single-family dwelling or mobile home on a lot provided it complies with the following requirements:

(1) The mobile home may be used only by members of the immediate family for the purpose of providing assistance to those members of the family who are elderly, ill, or mentally or physically disabled as attested by a licensed physician.

(2) The mobile home shall be connected to water and sewage disposal facilities approved by the Department of Environmental Health.

(3) The mobile home must be placed on the property in conformance with the setback requirements and located at least 15 feet from any structures on the same or on adjoining property.

(4) Placement of a mobile home on the property will not seriously conflict with the character of the area or be detrimental to the values of surrounding properties.

**ANALYSIS:**

**Surrounding Land Use and Zoning**

The applicant has requested a Special Use Permit for Multiple Single Family Dwellings to allow a second dwelling (previously permitted as a Mobile Home for Medical Hardship) to remain on the subject property. The applicant's agent states that the property has been developed with the second dwelling ('manufactured home') for nearly 30 years property, and the request will allow the continued use of the existing structures on the site. According to the agent, the property's density would not change if the Special Use Permit is granted.

Staff notes, however, that the request does constitute a land use change and the proposed land use (two dwelling units on one lot) is not consistent with the area nearby the site (the residential area west of Fourth St. nearby Guadalupe Trail) which consists of single family residential uses (not mobile homes) that are mostly at least one acre. (There are a few smaller lots along Guadalupe Trail). Although a few properties on Fourth St. have multiple dwellings or

small businesses, this particular use is found not in the area of the subject site (e.g., along Guadalupe Trail). Therefore, the proposed development would be out of character for the area.

In addition, the presence of smaller non-conforming lots in the vicinity of the site (which pre-date the current zoning) does not justify the request to allow an additional dwelling on this lot. This particular property is already sub-standard as to lot size per A-1 zoning. It is approximately .65 acres in size, while the minimum required lot size for A-1 zoning is 1 acre and the allowed density is one dwelling unit per acre. Staff has noted that the trend for this neighborhood has been to retain the existing A-1 zoning and land uses with few exceptions.

### **Plans**

This request is not consistent with the plans and policies for properties in the Rural Area. The Albuquerque/Bernalillo County Comprehensive Plan states for the Rural Area that overall gross densities shall not exceed one dwelling unit per acre.” The goal of the Rural Area is to “maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.”

The North Valley Area Plan policies and plan scenarios, which are based on the Comprehensive Plan, also give strong preference to maintaining the existing residential zoning in order to retain low density development and the ‘rural character’ in the areas designated as Rural. The Plan specifically identifies the neighborhoods along Guadalupe Trail within the Alameda Sub-Area as representing the rural character of the North Valley with open areas and large lots.

The request proposes a higher residential density on the property than is currently the case and is prescribed by the Comprehensive Plan and the North Valley Area Plan and which would lessen the rural character of the property. Contrary to the North Valley Area Plan policies for land use, this request could destabilize the zoning and land use in this neighborhood, which has been relatively unchanged since the adoption of County Zoning.

### **Zoning Ordinance**

It appears this request is not consistent with Resolution 116-86 of the Zoning Ordinance. “Changed neighborhood conditions” have not occurred in the area of the site as the area has been stable and no land use changes have taken place since the 1970s. Contrary to the agent’s argument, the availability of water and sewer, which is not a land use change, does not constitute a justification for higher density in the Rural Area. The existence (and subsequent enlargements) of a mobile home on the subject property for a number of years for medical purposes is also not a changed neighborhood condition.

The request is also in significant conflict with policies in the North Valley Area Plan for the Rural Area, which state a preference for the continuation of low density residential uses in the area. The request to add an additional dwelling unit on the property would further reduce the rural elements of this .65 acre site, which is already sub-standard. The Preferred Scenario for the Alameda Area is for the existing zoning to guide density and future land use in the neighborhood.



The request does not appear to be consistent with County Zoning requirements for A-1 zoning, which allows for one dwelling unit per acre. The request would result in a higher density than is prescribed by the Plan for a lot that is already sub-standard as to lot size for A-1 zoning. The request also conflicts with the intent of County A-1 zoning (stated in the Zoning Ordinance), which includes providing spacious home developments in areas near the fringes of urban development.

The County Zoning Ordinance allows accessory living quarters or Planned Development Areas (e.g., cluster housing) as alternative land uses for properties with residential zoning. The Zoning Ordinance allows accessory living quarters in addition to a single family dwelling unit of up to 500 square feet provided the quarters have no kitchen and are not rented. The Zoning Ordinance also allows Planned Development Areas (e.g., cluster housing) to allow for retention of open areas on a site. In this request, however, the accessory unit, which is now nearly 2000 square feet, exceeds the square footage of the primary dwelling unit by 600 square feet, and the property does not meet the minimum of 2 acres that is required for a Planned Development Area (e.g., cluster housing). This further suggests that the proposed use is inappropriate and too intense for the area and the existing A-1 zoning.

The application indicates that the second dwelling unit is a 'manufactured home', although it appears from County records and inspections of the site that the unit is a mobile home that was installed in 1993. Under the Zoning Ordinance for A-1 zoning, a mobile home is not permissive within residential zones (except M-H).

The applicant has not provided a petition of support or a statement of unique conditions in accordance with Section 18.32.a of the Zoning Ordinance (Special Use Permit for Specific Use).

### **Agency Comments**

County staff and representatives from other agencies have noted issues with the site development plan.

The County Zoning Administrator's comments indicate that the property has issues with building setbacks, setbacks between structures, landscaping, and fencing as they are shown on the site plan. Information is also needed on required usable open space, floor area ratio, parking, surfacing, and water and sewer connections. The Zoning Administrator's comments state that the property has had a Conditional Use Permit for a Medical Hardship, which is intended to be a temporary solution for families' medical issues and that the owner's expectation of a longer use is mistaken and is not a justification for the Special Use Permit. This request for two dwellings on one lot is also contrary to the overall purpose of the A-1 zone which is to preserve larger-sized lots, limit residential concentrations, and generally control the intensity of the allowed uses.

The Building Inspector's comments state that the second dwelling is mobile home (not a manufactured home as stated in the application).

Public Works comments state that the street (Guadalupe Trail) does not meet County

Standards and would require dedication of an additional five feet right-of-way. Comments from the Fire Marshall also indicate the width of the road may not be adequate for future development approval on the site. A conceptual grading and drainage plan is also required.

Environmental Health staff's comments state that the Water and Sewer Availability Statement noted in the application regarding water and sewer connections for both buildings on the site is needed.

### Analysis Summary

Zoning	
Resolution 116-86	Changed neighborhood conditions have not occurred within area of site. Land use change is not justified based on
Requirements	Petition of support and statement of unique conditions has not been provided.
Plans	
Comprehensive Plan	Request is not consistent with policies that call for rural-type developments in Rural Areas and minimum lot sizes of one acre.
North Valley Area Plan	Not consistent with Plan preference for densities to remain consistent with those of existing zoning. Not consistent with land use scenarios for Alameda Sub-Area.
Other Requirements	
Environmental Health	Provide water and sewer availability statement.
Public Works	Road width is inadequate; additional right-of-way must be made available. Provide conceptual grading and drainage plan.
Zoning	Property appears not to comply with requirements for setbacks. Landscaping may not be sufficient for front setback and side/rear yard setback. Property is already non-conforming as to lot size for A-1 zoning. Granting Special Use Permit for Two Dwellings is not consistent with intent of Conditional Use Permit for Medical Hardship (as currently on the property), which is a temporary use.

### Conclusion

This request is to allow a mobile home permitted under a Conditional Use Permit for a Medical Hardship to remain permanently on the subject property as a second dwelling unit. An argument is made by the agent to keep the existing dwelling units on the property, but an acceptable justification for the proposed land use has not been provided with reference to

Resolution 116-86 and plan policies and land uses in the surrounding neighborhood that call for the retention of rural land uses and densities. It appears, instead, that the proposed land use could negatively impact the existing A-1 zoning in an area that has been highly stable since the adoption of zoning in Bernalillo County. The request to change the mobile home on the property to a permanent structure is contrary to the condition imposed by the Zoning Administrator when the most recent Conditional Use Permit was granted in 2007.

The application indicates that the second dwelling unit is a 'manufactured home', although County records and inspections suggest that the unit is a mobile home, which would not be allowed as a second dwelling unit. The applicant could continue to use the mobile home on the property for medical hardship purposes by obtaining a new Conditional Use Permit for the subject property.

Other issues with the proposed request have been noted by staff, including various zoning requirements that are not met on the site plan, and the substandard width of Guadalupe Trail, which would require dedication of additional right-of-way. This also supports staffs' conclusion that additional development under a Special Use Permit on the subject site, which itself is substandard, is inappropriate.

Evidence of substantial neighborhood support and of unique conditions required for a Special Use Permit for Specific Uses has also not been provided.

**RECOMMENDATION:**

DENIAL of CSU-20100012, based on the following Findings.

Catherine VerEecke  
Program Planner

**FINDINGS:**

1. This request is for approval of a Special Use Permit for a Specific Use for Multiple Single Family Dwellings on Tract 39B, MRGCD Map #23, located at 10139 Guadalupe Trail NW, zoned A-1, and containing approximately .65 acres.
2. This property has a Conditional Use Permit for Mobile Home for Medical Hardship (ZA-70044) which will expire on June 19, 2010. The applicant wishes to keep the mobile home on the property as a second dwelling unit.
3. This request is not consistent with Resolution 116-86 in that applicant has failed to demonstrate that the existing zoning is inappropriate.
4. The request is not consistent with Policy 3a of the Albuquerque/Bernalillo County Comprehensive Plan which states that for properties located in Rural Areas "Overall densities shall not exceed one dwelling unit per acre," when the request is to allow two dwelling units on .65 acre.
5. The applicant has not provided evidence of substantial neighborhood support or of unique conditions as required by Section 18.b.32 of the Zoning Ordinance.
6. The request is not consistent with the health, safety and general welfare of the residents of the County.

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### **Building Department:**

4/21/10 APPEARS THAT STRUCTURES ON THE ON PROPERTY ARE A PERMANENT SFD AND A DBL WIDE MOBILE HOME WITH NO KNOW BUILDING ISSUES. JM

### **Environmental Health:**

Property is within ABCWUA water and sewer service area. Applicant shall submit a copy of ABCWUA Availability Statement referenced in SUP application to BCEH.

### **Zoning Administrator:**

ZA COMMENTS

25/MAR/2010

Proposed SUP for Multiple Single-Family Dwellings

### **USE**

This use is first listed as a permissive activity in the R-2 zone (ref. Sec. 10.B.2.d.). Unique to this type of development, density is based on the availability of community water & sewer. For properties with accessibility to these services, a floor area ratio of .5 is required. Sites without availability must have a minimum lot area of at least three-quarters of an acre (ref. Sec.10.D.5.).

Useable open space is also required for this type of use, and is based on the number of bedrooms within each dwelling. These areas, specifically set aside for the residents of the property, are employed in order to "permanently provide light and air, as well as visual, psychological, and recreational needs ?" (ref. Section 5, "Usable Open Space"). The ordinance indicates that these areas of the property may include lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides, walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, and water courses; but does not include public rights-of-way, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms (ref. page CDA:14).

This type of use is also specifically required to provide and maintain landscaping that meets the planting standards of the ordinance (ref. Sec. 10.D.F.2.). Please refer to the landscaping comments as outlined in the next section below for additional details.

It's also important to note that the basis for this request exemplifies a common problem associated with the county's medical hardship allowances. Established to be a temporary solution for family members with medical issues, any expectation that the existing development has been anticipated to remain for the life of the use (i.e., "forever") or that owner has vested rights due to the prior county approvals is mistaken. The sole rationale of using a second unit as a dwelling in a zone that specifically limits the total number of dwelling units to no more than one (1) (ref. Sec. 9.B.2.b.) is based on the expected temporary duration of the activity. Although property owners are not limited in the number of times they may request approval, arguments that the previous

30-year placement of the second unit on the site has "proven to be appropriate for this immediate area" are erroneous, and contrary to the stated intent of the zoning ordinance and protections of the A-1 zone.

#### AREA REQUIREMENTS

The "PROPOSED ADDITION" toward the north side of the 1356-sq. ft. residence will not meet applicable setback requirement (ref. Sec. 7.D.), and the "PROPOSED CANOPY" and "PROPOSED GARAGE" near the 1960-sq. ft. residence will be located within the required 10-foot separation distance between a dwelling and an accessory building (ref. Sec. 22.D.2.f.).

#### LANDSCAPING

Based on the overall size of the site, a landscaping setback of at least 10 feet in depth is required along the south side of the property adjacent to Guadalupe Trail. Additionally, a landscaped setback of at least 6 feet in depth is required along the north, east, and west sides of the property. The provided landscaping shall consist of a variety of trees, shrubs, and vegetation to create a visually opaque buffer.

The landscaping plan is required to indicate the location, size, and species of all existing and proposed trees, shrubs, vegetation and ground cover. Trees must be at least one-and-one-half inches in caliper measured at two feet above grade. One tree is required for each 30 feet of frontage. Shrubs must be at least 5 gallon minimum. A minimum of 75 percent of the landscape buffer areas must be maintained with live planting materials. A solid wall/fence at least 6 feet in height is also required along the north, east, and west sides of the property abutting the adjacent A-1 tracts. This feature should be specified on the plan, as well.

#### USEABLE OPEN SPACE

Useable open space is required for this type of activity. Space shall be provided on-site in an amount equal to 200 square feet of each efficiency or one bedroom dwelling unit, 250 square feet for each two bedroom dwelling unit, and 300 square feet for each dwelling unit containing three or more bedrooms (ref. Sec. 10.F.1.). The useable open space required for this project must meet the landscaping standards of the zoning ordinance related to vegetation details, irrigation provisions, and maintenance responsibilities.

Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides, walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, and water courses. Usable open space does not include public right-of-way, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms. Useable open space shall be available for entry and use by the residents involved.

#### OFF-STREET PARKING

Section 21.A.5. of the zoning ordinance requires that one parking space for each bathroom, or fraction thereof, be provided for each dwelling. The four spaces indicated

on the plan ("CONC. DRIVE" and "GARAGE" located toward the 1356-sq. ft. residence and 21-ft. wide "DRIVE" located near the 1960-sq. ft. residence) will meet these standards, unless there are more than two (2) bathrooms in either one of the existing residences.

Three (3) spaces may be standard sized, while at least one (1) of the off-street parking spaces is required to be designed for use by disabled drivers. Standard parking spaces are required to be at least 8 1/2 feet wide by 20 feet in depth; spaces for use by disabled individuals can be 8 feet by 20 feet, but each handicapped space must be adjacent to an access aisle of at least 3 feet wide providing unobstructed access to the building or facilities entrance.

Each off-street parking space designated to be used by disabled individuals is required to provide its own conspicuously posted upright sign, either free-standing or wall mounted, showing the international disabled symbol of a wheelchair. Each sign shall be no smaller than 12 by 18 inches. Each sign shall have its lower edge no less than four feet above grade. Barriers are required to prevent free-standing signs from being hit by motor vehicles.

All off-street parking areas must be surfaced with concrete or a bituminous material (asphalt). Gravel parking areas are not acceptable. All off-street parking spaces are required to be appropriately marked (striped) to indicate the location of each space.

Zoning Enforcement Manager:

Must comply with all Bernalillo County Code regulations for this project.  
note: previous violation for expired Medical Hardship approval.

shall comply with all applicable approvals if granted special use permit.  
Shall bring into compliance if not approved.

no other adverse comments.

Fire:

Upon any future development the site and any building must meet the requirements of the Bernalillo County Fire Marshal's Office.

Public Works:

DRAN:

The proposed development indicated on the site plan will require a grading and drainage plan be prepared by a New Mexico registered engineer to show that adjacent properties will not be impacted by stormwater runoff from the property.

DRE:

ROW is only 15-feet and Pavement is 8 to 9 feet. This road is inadequate for Fire Department and Emergency Services.

5 feet of ROW is required. Owner will be required to dedicate 5-feet of reserved ROW to eventually accommodate for a future 2-way road.

Fire Department's approval must be obtained.

Parks & Recreation:  
REVIEWED NO COMMENT.

Sheriff's:  
No comments received

### **COMMENTS FROM OTHER AGENCIES**

MRCOG:  
MRCOG staff have no comment on the application.

AMAFCA:  
No comment.

City Planning Department:  
I have reviewed the cases for the May 5 CPC hearing and have NO ADVERSE COMMENTS on them. They do not affect City facilities or interests.

City Public Works:  
Transportation Planning:  
No comments received.

Transportation Development:  
No adverse comments.

Water Utility Authority:  
No comments received.

City Transit:  
No comments.

City Open Space:  
Open Space has no adverse comments.

NMDOT  
No comments.

PNM  
PNM has no comments based on information provided to date.



APS

**MRGCD Map 23**, Tract 39-B, is located at 10139 Guadalupe Trl NW. The owner of the above property requests approval of a Special Use permit for two existing single family residences. The current residential units and any additional residential units developed on this property will impact Alameda Elementary School, Taylor Middle School, and Valley High School. Currently all three schools have excess capacity.

Loc No	School	2009-10 40th Day	2009-10 Capacity	Space Available
207	Alameda	308	386	78
457	Taylor	625	738	113
560	Valley	1,623	1,903	280

**NEIGHBORHOOD ASSOCIATIONS:**

Alameda North Valley Association